

Justice Companies Fight for What is Right

Today, various coal concerns owned and operated by the Justice family (“Justice Mining Entities”) sought a declaratory judgment in federal court to enforce an agreement it has with the Office of Surface Mining Reclamation and Enforcement (“OSMRE”). The Justice Mining Entities are seeking this judgment to protect its workers, mine safety, the environment and the American taxpayer. In its Complaint, these entities allege that OSMRE had agreed to settle various fines, special reclamation fees, penalties and other orders against them in early April of 2019. Relying on this agreement these entities expended time, money and resources toward this goal. However, concerns arose earlier this month about the Government’s willingness to live up to its end of the agreement when the Mine Health and Safety Administration (“MSHA”) reneged on a tolling agreement it had with the same entities and sued them after months of good faith negotiations. As a part of the MSHA negotiations, the Justice Mining Entities hoped to settle the MSHA items that it was unfairly saddled with by the Russian mining interests that left the company and its workers high and dry. Along with this the entities hoped to enter a global agreement would have more than satisfied both MSHA and OSMRE.

“As a coal operator we have always prided ourselves on going above and beyond with respect to preserving the environment and doing our part to work with regulators to make sure that reclamation is done the right way and as soon as humanly possible.” said Jay Justice, President and CEO of the Justice Mining Entities “We continue to hope for a global settlement agreement with the government, but after the incident with MSHA we need to protect the interests of our companies, our workers and the environment and make them live up to the deal we made.” The lawsuit seeks a declaratory judgment and equitable estoppel to enforce the agreement OSMRE made with the Justice Mining Entities. “We don’t want to have to go to court to get the government to do the right thing and live up to its end of the bargain, but we can’t sit back and let the government take advantage of our good faith efforts to resolve this matter.”

#####